

Wa 6906
9-20-89
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Reply to SO-125

20 September 1989

MEMORANDUM

SUBJECT: Pacific Wood Treating Corporation
FROM: John A. Hamill, Sr. Assoc. Regional Counsel
TO: Marcia Bailey

A handwritten signature in dark ink, appearing to read "John A. Hamill", written over the typed name in the "FROM" field.

I have reviewed the file in this matter.

From what I have read, my opinion is that PWT **now** owes the \$15,000 civil penalty adjudged in the Order dated 21 November 1986. While EPA may give PWT some chance to discuss that matter, as of the moment there seems to me nothing to do but start a judicial action to recover a money judgment for those civil penalties. A civil referral would have to be prepared to that end.

As to your proposed new complaint and compliance order, it **is correct to assert** that PWT violated paragraphs 6 and 7 of the 21 November 1986 compliance order, and **it is correct to allege** that fact and to seek civil penalties for that.

In regard to the trust fund, we would have to start a judicial civil action for a decree in personam specifically enforcing PWTs obligation as grantor to place funds into the trust.

We can do all of the foregoing, but I suggest that we send out the new complaint and compliance order while we prepare a judicial referral for \$15,000 civil penalty plus a decree to fund the trust.



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